

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAM TOCCO, individually, and
as the Trustee of THE SAM TOCCO
REVOCABLE TRUST dated July 11, 2001,

Plaintiff/Counter-Defendant,

CASE NO. 05-70013

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

SAM ANTHONY TOCCO, and
KNOLLWOOD MEMORIAL PARK
CEMETERY ASSOCIATION,

Defendants/Counter-Plaintiffs,

_____ /

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION GRANTING
PLAINTIFF'S MOTION TO AMEND COMPLAINT**

The Court, having read the Magistrate Judge's Report and Recommendation ("R&R"), filed on October 6, 2005, as well as any objections filed thereto¹, accepts and adopts the R&R of the Magistrate Judge.

IT IS ORDERED that the R&R is adopted and entered as the findings and conclusions of this Court, and that Plaintiff's Motion to Amend Complaint is GRANTED.

¹Plaintiff's objections to the R&R were timely. Federal Rule of Civil Procedure 6(a) states that "[w]hen the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation." Because Plaintiff had ten business days from October 6, 2005 in which to file his objections to the R&R, Plaintiff's objections, filed October 20, 2005, were submitted in a timely manner.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: November 22, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on November 22, 2005.

s/Jonie Parker

Case Manager